

**OPTOMETRY EXAMINING BOARD  
TELECONFERENCE MINUTES  
JUNE 10, 2010**

**PRESENT:** Ann Meier Carli (9:04), Richard Foss, Gregory Foster, Kathi Leach, Richard Wright

**EXCUSED:** Swaminat Balachandran

**STAFF:** Gail Sumi, Bureau Director; Michele Miller Hayes, Legal Counsel; Karen Rude-Evans, Bureau Assistant; other DRL staff

**GUESTS:** Peter Theo, WOA; Attorney David Moore; Herbert Tucker Webb, OD

**CALL TO ORDER**

Gregory Foster, Chair, called the meeting to order at 9:00 a.m. A quorum of four (4) members was confirmed.

**APPROVAL OF AGENDA**

**Amendments:**

- Additional appointment to the Screening Committee (Open Session)

**MOTION:** Kathi Leach moved, seconded by Richard Wright, to approve the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF MARCH 18, 2010**

**Corrections:**

- On page 2 of the minutes, under OPTOMETRY EXAMINING BOARD..., delete “Ann Marie Foley” and insert “Linda Foley.”

**MOTION:** Ann Carli moved, seconded by Kathi Leach, to approve the minutes of March 18, 2010 as corrected. Motion carried unanimously.

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## **ADMINISTRATIVE REPORT**

### **Welcome New Board Member Dr. Foss and Thank You to Linda Foley**

Gregory Foster and Gail Sumi welcomed Richard Foss to the Board. Linda Foley will receive a plaque and a thank you letter from Governor Doyle.

### **Board Vacancy – Public Member**

There is a public member vacancy on the Board. Gail Sumi encouraged the Board members to submit names of possible candidates. The Department encourages geographic and ethnic diversity on all boards. Dr. Foss and Dr. Foster both may know individuals who may be interested. Board members should forward candidates to Gail Sumi.

### **DRL Staff Updates**

There are several new attorneys in the Division of Enforcement.

### **Appearance and Introduction of Charles Facktor, DOE Attorney Supervisor**

Charles Facktor introduced himself to the Board and discussed the DOE initiative to bring complaints to their conclusion in a timely manner.

## **APPOINTMENT TO SCREENING PANEL**

Kathi Leach will replace Linda Foley on the screening panel.

## **APPOINTMENT OF MONITORING LIAISON BY THE CHAIR**

Ann Carli is the monitoring liaison.

## **PRESENTATION OF ORAL ARGUMENTS ON THE PROPOSED DECISION AND ORDER IN THE DISCIPLINARY PROCEEDINGS AGAINST HERBERT T WEBB, OD DHA CASE NO. DRL 09-0028/DOE CASE NO. 04 OPT 002**

Attorney Jim Polewski, Division of Enforcement, and Attorney David C. Moore, for the respondent, appeared before the Board to present Oral Arguments on the Proposed Decision and

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Order in the disciplinary proceedings against Herbert Tucker Webb, OD. This matter will be deliberated in closed session.

**PRESENTATION OF PROPOSED STIPULATIONS THAT MAY HAVE BEEN  
RECEIVED AFTER MAILING OF THE AGENDA**

None.

**CONTINUED DISCUSSION OF ASSOCIATION OF REGULATORY BOARDS OF  
OPTOMETRY (ARBO) COUNCIL ON OPTOMETRIC PRACTITIONER EDUCATION  
(COPE) REQUEST FOR APPROVAL OF COURSE REVIEWERS AND  
CONSIDERATION OF APPOINTMENT OF BOARD REVIEWERS**

Dr. Foster has contacted several people to see if they are interested in serving as a course reviewer but has not heard back from them yet. Dr. Foster also addressed new standards for COPE courses.

**CONTINUED DISCUSSION OF OE TRACKER OFFERED BY ARBO  
APPEARANCE BY JILL REMY, OFFICE OF EDUCATION AND EXAMINATIONS**

Jill Remy, Office of Education and Examinations, spoke to the Board regarding OE tracker. If a licensee is audited, the licensee must provide certificates of attendance for CE courses. The Board stated that OE tracker may be helpful for licensees to keep track of their CE, however the Board does not endorse any CE tracking programs.

**PRACTICE QUESTIONS**

The Board reviewed the practice questions and answers drafted by Legal Counsel and by Rebecca McAtee. The Board made a correction to the question: Can optometrists ~~distribute~~ prescribe Latisse? The Board wants the practice questions posted to the DRL website. They would also like 2009 Wisconsin [Act 168](#) posted on the web site under "What's New."

**PRACTICE QUESTIONS RECEIVED AFTER MAILING OF THE AGENDA OR BY  
LEGAL COUNSEL**

None.

**CORRESPONDENCE AND INQUIRIES RECEIVED BY BOARD STAFF**

None.

**PUBLIC COMMENTS**

Peter Theo stated the WOA has pragmatic concerns about the consistent administration of COPE Courses and also has concerns about the inconsistencies with OE Tracker.

**CONVENE TO CLOSED SESSION**

**MOTION:** Ann Meier Carli moved, seconded by Kathi Leach , to adjourn to closed session pursuant to Wisconsin Statutes 19.85(1)(a)(b)(f) and (g), to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Roll Call Vote: Ann Meier Carli – yes; Richard Foss – yes; Gregory Foster – yes; Kathi Leach – yes; Richard Wright – yes. Motion carried unanimously.

Open session recessed at 10:47 a.m.

**RECONVENE TO OPEN SESSION**

**MOTION:** Kathi Leach moved, seconded by Richard Foss, to reconvene to open session. Motion carried unanimously.

Open session reconvened at 11:09 a.m.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION IF VOTING IS APPROPRIATE.**

**PROPOSED DECISION AND ORDER**

**HERBERT TUCKER WEBB, OD**

**DHA CASE NO. DRL 09-0028/DOE CASE NO. 04 OPT 002**

**MOTION:** Ann Carli moved, seconded by Richard Wright to table the decision to the September 16, 2010 meeting and to request the Department of Regulation and Licensing to provide the hearing transcript to all Board members. Motion carried unanimously.

**ADMINISTRATIVE WARNING**

**06 OPT 013 AGAINST E.K.**

**MOTION:** Richard Wright moved, seconded by Ann Carli, to adopt the Administrative Warning against E.K. in case **06 OPT 013**. Motion carried unanimously.

**CASE CLOSING**

**06 OPT 013 AGAINST J.B.**

**MOTION:** Kathi Leach moved, seconded by Richard Foss, to close case **06 OPT 013** against J.B. for no violation. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Kathi Leach moved, seconded by Ann Carli, to adjourn the meeting. Motion carried unanimously. Motion carried unanimously.

The meeting adjourned at 11:14 a.m.

**THE NEXT BOARD MEETING IS SCHEDULED FOR SEPTEMBER 16, 2010**